

Appln. No. 10/764,357
Amendment dated January 23, 2006
Reply to Office Action mailed October 6, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1, 3 through 11, and 13 through 18 remain in this application. Claims 2 and 12 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

Claims 15 and 17 have been rejected under 35 U.S.C. §112 (first paragraph) as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Claim 15 has been cancelled, and claim 17 has been amended so as not to recite the objected to subject matter.

Withdrawal of the §112 (first paragraph) rejection of claim 17 is respectfully requested.

Paragraphs 2 through 5 of the Office Action

Claims 1 through 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kvalvik.

Claims 7 through 13 and 18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kvalvik in view of Yang.

Claims 14 and 16 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kvalvik in view of Yang, and further in view of Taggert.

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Claim 1, particularly as amended, requires "a second side portion operationally coupled to said bottom portion opposite said first side portion, said second side portion being adapted for abutting a second side surface of the bathtub, said first side portion being integrally coupled to said bottom portion and said second side portion being integrally coupled to said bottom portion such that said bottom portion, first side portion, and second side portion form a main liner member, said main liner member being elongate with opposite ends, *said main liner member defining substantially U-shaped openings at said opposite ends being bounded by said bottom portion and said side portions and forming a channel*" and "a headrest portion for supporting a head or back of the user, *said headrest portion being positionable in one of said openings and being removably mounted on said main liner member in said opening*". Claims 17 and 18 have been similarly amended. The openings at the opposite ends of the main liner member permit the user to leave the openings "open", or close them with, for example, the headrest portion. The main liner member is thus more easily adaptable to tubs of different lengths.

It is submitted that the cited patents, and especially the allegedly obvious combination of Kvalvik, Yang, and Taggert set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 17, and 18. Further, claims 3 through 11 and 13 through 16, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1, 3 through 11, and 13 through 18 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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